



### POLICY STATEMENT

- 25.1 It is the policy of NPF to ensure that terminations of employment are done appropriately and that all involuntary terminations are for cause.

### APPROVAL AUTHORITY

Chief Executive Officer (CEO) or delegate

### OPI

Chief Human Resources Officer (CHRO)

### OBJECTIVE

- 25.2 The objective of this policy is to establish a framework for the careful review of potential terminations of employment to avoid improper terminations and/or mitigate the potential adverse effects of terminations.

### APPLICATION

- 25.3 This policy applies to all NPF employees.

### DEFINITIONS

- 25.4 The following vocabulary is used throughout the policy:
- Medical Incapacity (Incapacité médicale): occurs when an employee although willing to perform his/her duties, is unable to do so for medical reasons, as evidenced by appropriate documentation supplied by a medical practitioner.
  - Job Abandonment (Abandon de poste): occurs when an employee has been absent from work for a period in excess of five (5) working days, or as specified in the applicable collective agreement, without having secured the required Employer authorization for his/her absence or without having provided a reason to the satisfaction of the Employer for his/her absence or failure to seek the required authorization for his/her absence.
  - Incompetence (Incompétence): occurs when an employee although willing to perform his/her duties, is unable to do so due to a lack of knowledge, skill, ability, or competence.
  - Misconduct (Inconduite): occurs when an employee deliberately, recklessly, or negligently (through inaction or inattention) breaks a legitimate rule or breaches acceptable standards of conduct.

## RELEVANT LEGISLATION

25.5 The following legislation is relevant to the contents of this policy:

- *Canadian Human Rights Act*
- *Financial Administration Act*
- *Public Service Labour Relations Act*

## TERMS AND CONDITIONS

25.6 Termination of employment may be voluntary or involuntary and is governed by the following guidelines.

## GENERAL POLICY

### VOLUNTARY TERMINATION

- 25.7 Consuming/using alcohol, cannabis or other legal recreational substances that affect fitness for work; and/or
- a. resigning from his/her employment;
  - b. retiring from the organization; or
  - c. abandoning his/her position.
- 25.8 Full-time non unionized employees who have completed their probationary period and who plan to resign are required to provide the Employer with one (1) month's written advance notice of the effective date of the termination of their employment. All other employees are required to provide two (2) weeks advance written notice.
- 25.9 Employees who plan to retire are encouraged to provide the Employer with three (3) months of written advance notice of their intention to retire, in order to avoid delays in the processing and payment of pension benefits.
- 25.10 An employee whose employment with NPF has terminated and who has begun to draw a pension income from the CF NPF Employees Pension Plan may not begin a new period of employment with NPF until ninety (90) days have expired from the date of termination of employment.
- 25.11 An employee's use of vacation time during the notice period is at the discretion of the manager with the appropriate delegated HR authority and is based on reasonable operational requirements.
- 25.12 Employees who voluntarily terminate their employment are not entitled to notice, payment-in-lieu of notice or severance pay.

## INVOLUNTARY TERMINATION

- 25.13 The Employer may terminate an employee's employment for cause for any of the following reasons:
- a. unsuitability during probation;
  - b. breaches of discipline;
  - c. incompetence and/or unsatisfactory performance;
  - d. medical incapacity; or
  - e. other reasons.
- 25.14 Managers with the appropriate delegated HR authority may only initiate involuntary terminations in consultation with the local HRM.
- 25.15 **Rejection on Probation** occurs when a probationary employee fails to achieve the required standards of performance or conduct and/or demonstrates unsuitability for employment despite having been provided the information, guidance and tools necessary to demonstrate suitability.
- 25.16 Managers may refer to the Probationary Period Policy for further details pertaining to the assessment of suitability.
- 25.17 **Disciplinary Discharge** occurs when an employee engages in an act of misconduct which renders continued employment unfeasible or untenable.
- 25.18 Examples of situations where continued employment would be unfeasible or untenable are cases where an employee has previously engaged in misconduct which has not been corrected with prior disciplinary action (culminating incident) or where the single act of misconduct is so serious that it breaches the Employer's trust (e.g., theft).
- 25.19 Managers may refer to the Discipline policy for further details.
- 25.20 **Termination for Incompetence and/or Unsatisfactory Performance** occurs when an employee fails to meet the performance expectations or standards required of his/her job despite having been provided coaching, guidance, direction, training and feedback to assist the employee to raise the performance to a satisfactory level.
- 25.21 Managers may refer to the Employee Performance Counselling Policy for further details pertaining to the provision of performance counselling.

## MEDICAL INCAPACITY

- 25.22 Under normal circumstances, an employee who goes on a medical leave of absence for work or non-work related illnesses and injuries shall not have his/her employment terminated because of his/her absence from work. However, the following may occur when an employee is medically incapacitated:
- a. **Administrative Release for Medical Incapacity** occurs in cases where an employee's absence extends beyond the normal maximum period of sick leave (i.e. 17 weeks) and there is an operational requirement to fill the employee's substantive position on an indeterminate basis. It also occurs when an employee's substantive position is deleted while the employee is absent for medical reasons. In such cases, the employee remains on leave and retains his/her status with the appropriate benefits and entitlements. When the employee is deemed medically fit to return to work, the Employer will endeavour to locate a suitable vacant position at that location for which the employee has the qualifications, knowledge, experience, skill, ability and medical fitness.

- b. **Termination following an Administrative Release for Medical Incapacity** occurs where an employee has been administratively released from his/her position for medical incapacity and the Employer is unable to locate a suitable vacant position for the employee when the employee is deemed medically fit to return to work.
- c. **Termination for Medical Incapacity** occurs in circumstances where an employee is and will remain unable to fulfill the requirements of his/her position for medical reasons.

25.23 Prior to considering an administrative release or a termination for medical incapacity, the manager should consider:

- a. the length of the employee's absence from work or time the employee has been medically unable to fulfill the requirements of his/her position;
- b. the prognosis for the employee's potential return to work or the employee's ability to fulfill the requirements of his/her position in the foreseeable future;
- c. the impact of the employee's absence from work or medical incapacity is having on the operations;
- d. the possibility that the employee will not be able to return to work in the foreseeable future;
- e. any worker's compensation legislative requirements if the medical incapacity was caused by a work related illness or injury; and
- f. the possibility of using workplace accommodation measures to address the situation.

25.24 The Attendance Management, Return to Work and Employment Accommodation Policies provide further details pertaining to the management of medical absences and the provision of workplace accommodation.

### 25.25 Termination for Other Reasons:

- a. **Job Elimination** occurs when an employee's position is discontinued and there are no other suitable or comparable positions available at that location for which the employee has the qualifications, knowledge, experience, skill and ability. Job elimination can occur for any of the following reasons:
  - i. Reorganization of the workforce
  - ii. Shortage of work,
  - iii. Reduction in workforce,
  - iv. Lack of funds, and/or
  - v. Closure of work unit;
- b. **Failure to meet a Bona Fide Occupational Requirement (BFOR) or obtain a Bona Fide Occupational Qualification (BFOQ) of the position.** (e.g. the employee loses entitlement to licenses or certificates required to perform his/her job or the employee is denied or loses the coverage of a Fidelity Bond or related instrument when one is required to perform his/her duties);
- c. **Failure to meet a fundamental condition of employment** (e.g. the employee is denied or loses his/her reliability status or security clearance required to perform the duties of the position);
- d. **Failure to raise attendance to a satisfactory level** after having gone through the steps of the attendance management program as outlined in the Attendance Management and Return to Work Policy;
- e. **Ineligibility for continued employment** due to federal, provincial or municipal laws and regulations;

- f. **the continued employment of the employee is not in the interests of national security;**
- g. **the employee is barred from the workplace** by court order or by the Base Commander; and/or
- h. **other administrative reasons** as determined appropriate by CEO.

## NOTIFICATION OF TERMINATION OF EMPLOYMENT

25.26 Employees whose employment is terminated must be informed in writing by the Employer. Written notification of termination of employment should state:

- a. the nature of and reasons for the termination (e.g. disciplinary discharge);
- b. the effective date of the termination; and
- c. the arrangements that will be made regarding any outstanding entitlements or liabilities, if applicable.

## NOTICE PERIOD

25.27 Employees whose employment is terminated by the Employer for no-fault reasons beyond the control of the employee (e.g. job elimination, for a medical incapacity, following an administrative release for medical incapacity or for other no-fault reasons deemed appropriate by CHRO) are entitled to advance written notice by the Employer of the termination of their employment, or the equivalent salary as payment-in-lieu of such notice.

25.28 Full time non-unionized indeterminate employees who have completed their probationary period are entitled to one (1) month's notice regarding the termination of their employment for no-fault reasons. All other employees are entitled to two (2) weeks' notice. Notice provisions for unionized employees are specified in the applicable collective agreement.

## SEVERANCE PAY

25.29 Full-time non-unionized indeterminate employees whose employment is terminated by the Employer for no-fault reasons beyond the control of the employee (e.g. job elimination, for a medical incapacity, following an administrative release for medical incapacity or for other no-fault reasons determined appropriate by CHRO) are entitled to severance pay.

25.30 Severance pay entitlement for fulltime non-unionized indeterminate employees is two (2) weeks' pay for the first completed year of continuous fulltime service, and one (1) week's pay for each additional completed year of continuous full-time service, up to a maximum of twenty-eight (28) weeks' pay. For unionized employees, severance pay entitlement is as outlined in their collective agreement.

25.31 Employees who are terminated for the following reasons are not entitled to notice, payment-in-lieu of notice or severance pay:

- a. rejection on probation;
- b. disciplinary discharge;
- c. incompetence and/or unsatisfactory performance;
- d. failure to meet a BFOR or BFOQ;
- e. failure to meet a fundamental condition of employment;
- f. failure to raise attendance to a satisfactory level;
- g. Ineligibility for continued employment;
- h. the continued employment of the employee is not in the interests of national security;  
or

- i. **the employee is barred from the workplace** by court order or by the Base Commander.

25.32 Temporary employees are not entitled to notice, payment-in-lieu of notice or severance pay upon the conclusion of the term of their temporary employment.

## EXIT PROCEDURES

25.33 Employees who terminate their employment at NPF will be notified of the exit procedures such as but not limited to:

- a. arrangements to return all property of the Employer in the employee's possession;
- b. removal of the employee's personal possessions from the workplace;
- c. reimbursement of any outstanding entitlements and liabilities.

## ACCOUNTABILITY

25.34 The levels of accountability are as follows:

- a. Managers identified in the HR Delegation of Authority for terminations are responsible for reviewing potential cases of termination and, in consultation with the appropriate HR representative, determining whether there is cause for the potential termination;
- b. HRMs are responsible for:
  - i. providing guidance to managers for potential termination cases, and
  - ii. assessing performance, conduct and suitability,
- c. RMHRs are responsible for carrying out compliance reviews with the HRM to ensure proper application of this policy.

## ENQUIRIES

25.35 All enquiries on the interpretation and application of this policy are to be directed to the HRM or to the RMHR and when required, forwarded to the OPI.